



**AN ORDINANCE AMENDING
CHAPTER 95 TITLED
BEACH STRAND, WATERWAY, CHANNEL AND CANAL REGULATIONS
OF THE CODE OF ORDINANCES**

BE IT ORDAINED by the Town Council of Sunset Beach that Chapter 95 titled Beach Strand, Waterway, Channel and Canal Regulations is hereby amended as follows:

1. Subsection 95.01 titled Definitions is amended to add the following:
 - **BABY POP-UP TENT.** A small tent-like shelter no larger than 46” long by 35” deep by 35” high, designed and used as a play pen or sheltered area to protect an infant or small toddler. Larger similar structures must follow the rules for cabanas.
 - **CABANA / CANOPY / TENT.** A shelter of fabric or other material supported and sustained by support poles and typically anchored by tie-downs, including any umbrella type device (with usually a single center pole support) if it has any perimeter tie-downs. This definition does not include baby pop-up tents, as defined above.
 - **OBSTRUCTIONS.** Any personal items designed or manufactured for use, or actually used, on the beach or in the adjacent tidal waters. Examples include, without limitations: chairs, lounges, umbrellas, cabanas, tents, shading devices, canopies, **baby pop-up tents**, horseshoes and stakes, volleyball nets, kayaks, paddle vessels, sailboards, surfboards, fishing gear, sporting equipment, rafts, floatation devices, beach toys, baskets, bags, towels, coolers and any other personal property items. Obstructions shall not include municipal trash containers, signage or structures or any items placed or permitted by a governmental agency (for example signs or protection devices for turtle nests).
 - **SHADING DEVICES.** Devices such as tents, umbrellas, pavilions, cabanas, canopies, baby pop-up tents and/or similar devices designed or used to provide shade.

2. Subsection 95.07 titled Placing Obstructions on the Beach Strand is amended to remove, replace and add language as follows:

- a. No ~~obstruction~~ tents, cabanas, canopies, or sporting equipment layouts may be placed within a 30-foot ~~perimeter~~ wide path (15-feet on either side of the projected centerline) from the end of any emergency access road or ~~any~~ public beach access walkway. This path extends to the water's edge along the centerline projection of these accesses.
- b. Tents, ~~shading devices~~ cabanas and canopies shall be erected in a single line parallel to the ocean; ~~and shall be no larger than 12-foot by 12-foot in overall footprint size; and shall be separated by a minimum of 12-feet. The back of these devices shall be placed on the (theoretical) line extending between the two adjacent beach trash can poles which have been positioned by the Town to allow for adequate passage at the dune line by emergency vehicles. not extend more than 24 feet from the front dune line towards the ocean. No obstructions of any kind shall be placed within this emergency vehicle passage area located at the edge of dune line as described above.~~
- c. ~~Tents, shading devices and canopies shall be no larger than 12 feet by 12 feet. All Obstructions shall be at least 15-feet from any designated sea turtle or bird nest areas.~~
- d. ~~Tents, shading devices and canopies shall not be tied together.~~
- e. ~~Tents, shading devices and canopies shall be separated by a minimum of ten feet.~~
- f. Anchors or tie downs for tents, shading devices, canopies, cabanas ~~and athletic equipment~~ must be located within their footprint. Athletic equipment, such as volleyball nets, horseshoe stakes, etc. shall remain in-place only when in use or attended.
- g. ~~Athletic equipment, such as volleyball nets, shall remain erected only while in use or attended.~~
- h. ~~Obstructions shall be set at least ten feet from any sea turtle nest.~~
- i. All tents, shading devices, canopies, cabanas and umbrellas shall be collapsed and secured when the sustained wind speed is 17 mph or greater.

Agenda Item 6e

- j. No tents, ~~shading devices~~, cabanas or canopies shall be erected before ~~6~~7:00 a.m. and ~~all tents, shading devices and canopies~~ they shall be removed from the beach strand by 7:00 p.m. All unattended obstructions remaining on the beach strand after 7:00 p.m. will be considered abandoned and removed by town officials.
- ~~k. Obstructions remaining on the beach strand after 7:00 p.m. will be considered abandoned and removed by town officials.~~
- l. No tents, cabanas, or canopies shall be erected between 1st Street and 27th Street.

Subsection 95.07 will be renumbered due to deletions.

Amendment shall be effective upon adoption.

Adopted this the _____ day of _____, 2017

Town of Sunset Beach

BY:

ATTEST:

Town Clerk